

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION**

**EDDIE OGLETREE, an individual;** )  
**GERALD STEPHENS, an individual** )  
 )  
**Plaintiff,** )  
 )  
**vs.** )  
 )  
**CITY OF AUBURN, a municipality in The** )  
**State of Alabama; LARRY LANGLEY, an** )  
**individual; LEE LAMAR, an individual;** )  
**BILL HAM, Jr., an individual; STEVEN** )  
**A.REEVES, an individual; BILL JAMES,** )  
**an individual; CHARLES M. DUGGAN,** )  
**an individual; and CORTEZ LAWRENCE,**)  
**an individual;** )  
 )  
**Defendants,** )

**CIVIL ACTION NO:  
3:07-cv-867-WKW**

**JURY TRIAL DEMANDED**

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION**

**CHRIS E. TURNER,** )  
 )  
**Plaintiff,** )  
 )  
**vs.** )  
 )  
**CITY OF AUBURN, a municipality if The** )  
**State of Alabama; LARRY LANGLEY, an** )  
**individual; LEE LAMAR, an individual;** )  
**BILL HAM, Jr., an individual; STEVEN** )  
**A.REEVES, an individual; BILL JAMES,** )  
**an individual; DAVID WATKINS, an** )  
**individual; CHARLES M. DUGGAN, an** )  
**individual; and CORTEZ LAWRENCE,** )  
**an individual;** )  
 )  
**Defendants,** )

**CIVIL ACTION NO: 3:07cv162-MEF**

**JURY TRIAL DEMANDED**

**JOINT MOTION TO CONSOLIDATE FOR DISCOVERY**

**COMES NOW** the Plaintiffs in the above styled causes of action, and respectfully request that the above styled cases be consolidated for purposes of discovery. As grounds, the Plaintiffs show unto the Court as follows:

1. F.R.C.P. 42 allows for the consolidation of cases for discovery where the actions involve a common question of law or fact. As evidenced by the Complaints filed in both cases, there are numerous common questions of law and fact. Moreover, the overwhelming majority of the witnesses who will testify in both cases are the same.

2. If the cases are not consolidated for discovery purposes, multiple witnesses will be deposed twice concerning the exact same issues and facts.

3. The overwhelming majority of the documents that are relevant to both claims are the same, and would have to be produced twice if the cases are not consolidated.

4. The Defendants in the above referenced cases are exactly the same.

5. If the cases are not consolidated, the risk of inconsistent discovery rulings is high.

6. In the interest of judicial economy, duplicating depositions, discovery responses, discovery production and discovery Motions is wasteful and extremely inconvenient for all parties and witnesses involved.

7. Consolidation of cases for discovery is common and will not prejudice the Defendant. See Cranford v. U.S. 466 F. 3d. 955 (11<sup>th</sup> Cir. 2006) and Sweet Pea Marine Ltd. v. APJ Marine Inc. 411 F. 3d. 1242 (11<sup>th</sup> Cir. 2005).

**WHEREFORE**, the Plaintiffs respectfully request that the above referenced cases be consolidated for discovery purposes in order to promote judicial economy and avoid waste, duplication and extreme inconvenience.

Respectfully submitted,

/s/ Richard F. Horsley  
**Richard F. Horsley**

/s/ Jeffrey W. Bennett  
**Jeffrey W. Bennett**

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**CERTIFICATE OF SERVICE**

I hereby certify that I have electronically filed the foregoing with the Clerk of the Court using electronic filing which will send notification of such filing on this the 21<sup>st</sup> day of December, 2007.

/s/ Richard F. Horsley  
**Richard F. Horsley**

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